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Attorneys for Defendant/Counterclaimant
FINLEY ENGINEERING GROUP, INC

**UNITED STATES DISTRICT COURT FOR
 THE SOUTHERN DISTRICT OF CALIFORNIA**

JEAN-CLAUDE DEMOSTHENIDY, an
 individual doing business as INTERACTIVE
 DESIGN SYSTEMS,

Plaintiffs,

vs.

FINLEY ENGINEERING GROUP, INC., a
 Florida corporation; DOES 1 through 10,
 inclusive,

Defendants.

AND RELATED COUNTERCLAIM

Case No.: 07CV 2050WQH (BLM)

**INITIAL DISCLOSURE STATEMENT OF
 FINLEY ENGINEERING GROUP, INC.
 PURSUANT TO FRCP 26**

JUDGE: Hon. Barbara L. Major
 DEPT.: C
 TRIAL: Not Yet Set

Pursuant to Federal Rule of Civil Procedure 26, Defendant and Counter-claimant, FINLEY ENGINEERING GROUP, INC. ("Finley Engineering") submits the following initial disclosures to JEAN-CLAUDE DEMOSTHENIDY and LYNNE DEMOSTHENIDY, individuals doing business as INTERACTIVE DESIGN SYSTEMS ("IDS"):

A. Witnesses

Matthew W. Adams, P.E.
 (Bridge Engineer; worked for
 Jerry Pfuntner at Finley)

Finley Engineering Group, Inc.
 1589 Metropolitan Boulevard
 Tallahassee, FL 32308
 Tel: (850) 894-1600

Ronen Brown
(Israeli Check Engineer)
Shamir-Posner-Brown Consulting Eng. Ltd.
13 Kineret Street
Bnei Brak, Israel 51201
Tel: 011 972 3 5706886

Lynne Demosthenidy
(Co-owner IDS)
Interactive Design Systems
16885 Via Del Campo Court
Suite #207
San Diego CA 92127
Phone: (858) 674-4196

Jean-Claude Demosthenidy
(Co-owner IDS)
Interactive Design Systems
16885 Via Del Campo Court
Suite #207
San Diego CA 92127
Phone: (858) 674-4196

Gary Gaiotti
(Roadway Designer)
LPA Group, Inc.
1320 Executive Center Drive
Suite 100
Tallahassee, FL 32301
Tel: (800) 205-0460

R. Craig Finley, Jr, P.E.
(Managing Principal)
Finley Engineering Group, Inc.
1589 Metropolitan Boulevard
Tallahassee, FL 32308
Tel: (850) 894-1600

Effraim Gelberg
(General Manager - Precast Facilities)
Danya-Cebus Ltd.
1c, Yony Netanyahu Street
Or Yehuda 60250 Israel
Tel: 011 972 8 9232270

Meir Gurfinkel
(Project Manager; Chief Engineer)
Cebus Rimom Industrialized Construction
Ltd.
1c, Yony Netanyahu Street
Or Yehuda 60250 Israel
Tel: 011 972 8 9232270

James Hill
(Senior CADD Technician)
Finley Engineering Group, Inc.
1589 Metropolitan Boulevard
Tallahassee, FL 32308
Tel: (850) 894-1600

1 Eyal Hochman
 2 (Division Manager;
 3 Head of Infrastructure Division)

Danya-Cebus Ltd.
 1c, Yony Netanyahu Street
 Or Yehuda 60250 Israel
 Tel: 011 972 8 9232270

4 Shmuel (Sam) Mottes
 5 (Construction Consultant for Erection of
 6 Bridge)

C/o Danya-Cebus, Ltd.
 1c, Yony Netanyahu Street
 Or Yehuda 60250 Israel
 Tel: 011 972 8 9232270

7 Jerry Pfuntner
 8 (Principal - Sr. Bridge Engineer)

Finley Engineering Group, Inc.
 1589 Metropolitan Boulevard
 Tallahassee, FL 32308
 Tel: (850) 894-1600

9
 10 Yousef Rock
 11 (Project Manager)

Danya-Cebus Ltd.
 1c, Yony Netanyahu Street
 Or Yehuda 60250 Israel
 Tel: 011 972 8 9232270

12 Yehuda Dougach
 13 (Design coordinator)

Danya-Cebus, Ltd.
 1c, Yony Netanyahu Street
 Or Yehuda, Israel 60250
 Tel: 011 972 3 5383641

14
 15 Alexey Yelkin
 16 (Casting Engineer)

Cebus Rimon Industrialized Construction
 Ltd.
 1c, Yony Netanyahu Street
 Or Yehuda 60250 Israel
 Tel: 011 972 8 9232270

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 19
 20 Finley Engineering reserves its right to supplement and/or amend its disclosure if new or
 21 different information becomes available. Discovery is continuing.

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 23 **B. Documents**

24 The following list describes the documents or other items which are in the possession,
 25 custody, or control of Finley Engineering and may be used to support its defenses and claims:
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- 1 • MC3D Short Line Casting Geometry Control for Windows Version 1.0 User Manual, June
2 29, 2005.
- 3 • Agreement between Cebus Rimón Industrialized Construction, Ltd. and Finley Engineering
4 Group, Inc. on January 23, 2006
- 5 • Three-Dimensional Geometry control for Match-Casting Short Line Method MC3D
6 Software by Finley Engineering Group, May 2006
- 7 • E-mail between Jerry Pfuntner, Wendy Ketchum, and Jean-Claude Demosthenidy on May
8 26, 2006, attaching MC3D setup file and manual.
- 9 • IDS Invoice No. 262-02 dated July 12, 2006, to Finley Engineering Group, Inc. for MC3D
10 Software License and 1 year software support and maintenance
- 11 • IDS Invoice No. 264-01 dated August 1, 2006, bill to Finley Engineering Group, Inc.; ship
12 to Cebus Rimón for MC3D Software License and 1 year software support and maintenance
- 13 • Check stub for check 2236 dated August 2, 2006 for \$7,000.00
- 14 • E-mail exchange between Jerry Pfuntner and Meir Gurfinkel dated January 29, 2007 and
15 February 10, 2007 re: Bridge B-222 Cantilever EU; ED; FU; FD
- 16 • Step-by-Step Erection Sequence for Road 431 Bridge B21, Finley Engineering Group, Inc.,
17 February 2007
- 18 • E-mail from Craig Finley to Meir Gurfinkel, et al. dated February 6, 2007, re: Geometry
19 Control Issues - Cantilever 1-C, Bridge 21 // Road 431
- 20 • E-mail exchange between Jean-Claude Demosthenidy and Jerry Pfuntner dated February 7,
21 2007, re: MC3D Casting - geometry control issues
- 22 • E-mail from Jean-Claude Demosthenidy to Jerry Pfuntner dated February 7, 2007, re:
23 coordinate check
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- 1 • E-mail from Jean-Claude Demosthenidy to Jerry Pfuntner dated February 7, 2007, re: MC3D
2 casting - coordinates
- 3 • E-mail from Craig Finley to Meir Gurfinkel dated February 7, 2007, re: Geometry Control
4 Problems C-1
- 5 • E-mail from Jerry Pfuntner to Alexey Yelkin and Meir Gurfinkel dated February 8, 2007,
6 re: revised MC3D files for Bridge B-23
- 7 • E-mail exchanged between Jean-Claude Demosthenidy and Jerry Pfuntner dated February
8 9-12, 2007, re: RD 431 Casting Files
- 9 • Correspondence from Craig Finley to Jean-Claude Demosthenidy dated February 9, 2007,
10 re: problem with Segment Geometry on Road 431
- 11 • E-mail exchange between Jerry Pfuntner and Jean-Claude Demosthenidy dated February 9,
12 2007, re: new casting files for B-23 bridge
- 13 • E-mail exchange between Dan Dock and Jean-Claude Demosthenidy dated February 7-9,
14 2007, advising of geometry control issues.
- 15 • E-mail from Jerry Pfuntner to Jean-Claude Demosthenidy dated February 9, 2007, re: new
16 casting files for B-23 bridge
- 17 • E-mail from Jerry Pfuntner to Shesky at LPA Group dated February 12, 2007, re: Bridge B-
18 21 Road Modifications
- 19 • E-mail from Jerry Pfuntner to Meir Gurfinkel, et al. dated February 12, 2007, re: Bridge B-
20 21 Corrective Plan
- 21 • B21 Corrected Closure, Finley Engineering Group, Inc., February 14, 2007
- 22 • E-mail from Jerry Pfuntner to Meir Gurfinkel, et al. dated February 14, 2007, attaching
23 modified casting files for Bridge B-20
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- 1 • E-mail from Jerry Pfuntner to Alexey Yelkin dated February 14, 2007, requesting completed
2 MC3d Casting Files to 3-BU and 3-BD.
- 3 • E-mail from Jerry Pfuntner to LPA Group dated February 15, 2007, attaching B-21
4 Correction Plan Spreadsheet
- 5 • E-mail from Gary Gaiotti to Dan Dock dated February 16, 2007, re: New Bridge Data
- 6 • E-mail from Matthew Adams to Dan Dock dated February 16, 2007, attaching Profile-lpa
- 7 • E-mail from Craig Finley to Meir Gurfinkel, et al. dated February 16, 2007, re: Electronic
8 Submittal of Revisions for Segment Geometry - Road 431
- 9 • Finley Engineering Group's Section I - Executive Summary Revisions for Segmental
10 Geometry dated February 19, 2007
- 11 • E-mail from Matthew Adams to Ronen Brown dated February 19, 2007, re: Profile
12 Modifications
- 13 • E-mail from Matthew Adams to Jerry Pfuntner dated February 20, 2007, re: Excel File with
14 Updated Curve Data
- 15 • E-mail from Jean-Claude Demosthenidy to Jerry Pfuntner dated February 21, 2007, re:
16 MC3D update
- 17 • E-mail from Jerry Pfuntner to Jean-Claude Demosthenidy dated February 21, 2007,
18 requesting MC3D update
- 19 • E-mail from Jerry Pfuntner to Yehuda Dugach dated February 21, 2007, re: Pier Segment
20 Elevations, attaching B21 Correction Plan
- 21 • E-mail from Jerry Pfuntner to Yousef Rock, et al. dated February 27, 2007, re: Bridge B-21
22 Erection Elevation Spreadsheet
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- 1 • E-mail exchange between Jerry Pfuntner and Dan Dock dated March 9, 2007, re: Bridge 23
- 2 C Down Segment Casting
- 3 • E-mail from Jerry Pfuntner to Meir Gurfinkel, et al. dated March 12, 2007, re: Bridge B-23,
- 4 Pier C Casting Data
- 5 • E-mail exchange between Craig Finley and Jerry Pfuntner dated March 12, 2007, re: update
- 6 on geometry controls.
- 7 • E-mail exchange between Jerry Pfuntner, Meir Gurfinkel, Alexey Yelkin, Efraim Gelberg,
- 8 Craig Finley, Dan Dock, and Matthew Adams dated March 14, 2007, re: B-23 Pier E
- 9 Geometry
- 10 • Correspondence from Craig Finley, Jr. to Jean-Claude Demosthenidy on May 31, 2007,
- 11 regarding continuing issues - MC#3D casting software
- 12 • E-mail exchange between Craig Finley and Jean-Claude Demosthenidy on June 5-6, 2007
- 13 • Correspondence from Cebus Rimón to Craig Finley dated August 3, 2007, attaching cost of
- 14 repair as to software deficiencies in the framework
- 15 • Section 452 Precast Segmental Bridge Construction
- 16 • Road 431 - Israel, Revisions for Segmental Geometry, Finley Engineering Group, Inc.
- 17 • B21 Geometry Study Pier B, graph and chart
- 18 • Graph of Final Stage, Top of Section - Stresses, SLS Combination I
- 19 • Graph of Final Stage, Bottom of Section - Stresses, SLS Combination I
- 20 • Graph of Final Stage, Top of Section - Stresses, SLS Combination III
- 21 • Graph of Final Stage, Bottom of Section - Stresses, SLS Combination III
- 22 • Photograph of bridge construction (2)
- 23 • Photograph of bridge section
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- 1 • Photograph of bridge casting section (2)
- 2 • Road 431 Israel Bridge Tasks Schedule
- 3 • Ein Hakoreh Interchange Project Highway 431 Supplemental Costs Report resulting from
- 4 design error in Bridge 21
- 5
- 6 • Transaction Report - Project No. 05-60010, INT - Road 431, Claim Work (and supporting
- 7 timesheets, expenses, accounts, and invoices)
- 8 • Calculations, report, revised geometry files, revised erection drawings, and erection data
- 9 spreadsheets, Bride B-21
- 10 • Calculations, report, revised geometry files, revised erection drawings, and erection data
- 11 spreadsheets, Bride B-22
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- 13 • Calculations, report, revised geometry files, revised erection drawings, and erection data
- 14 spreadsheets, Bride B-23
- 15 • Revised Casting File, Bridge B-20
- 16

17 The foregoing documents will be made available for inspection and copying at the office of
 18 counsel for Finley Engineering at a mutually convenient time. Finley Engineering reserved its right
 19 to supplement and/or amend its disclosure if new or different information becomes available.
 20 Discovery is continuing.

21 **C. Damages**

22 Finley seeks damages in the approximate amount of \$290,000.00. This amount is based on
 23 a demand from Cebus Rimón in the amount of approximately \$232,263.98. This amount is claimed
 24 by Cebus Rimón for the following: downtime due to work stoppage, design costs, additional
 25 auxiliary works, costs resulting from changes to columns E and D, costs as a result of the insertion
 26 of shims, damages caused to the plant, redesign of the redline, additional stressing cables, Bridge
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1 B21 nosing, and workdays for the surveying crew. Additionally, Finley Engineering expended
2 approximately \$60,000.00 in remedial time and expenses, arising out of the use of IDS's MC3D-
3 Match Casting Geometry Control Program used in the construction of Ein Hakoreh Interchange
4 Project Highway 431 in Israel.
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6 Finley Engineering reserves its right to supplement and/or amend its disclosure if new or
7 different information becomes available. Discovery is continuing.

8 **D. Insurance**

9 XL Insurance.

10 Finley Engineering reserves its right to supplement and/or amend its disclosure if new or
11 different information becomes available. Discovery is continuing.
12

13 Dated: February 11, 2008

BALESTRERI, PENDLETON & POTOCKI

14
15
16 By



Karen A. Holmes

Todd C. Samuels

Attorneys for Defendant/Counterclaimant,

FINLEY ENGINEERING GROUP, INC.